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9 Attorneys for Movant  
Genentech, Inc.

10  
11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 In re: Subpoena of GENENTECH, INC.  
\_\_\_\_\_

15 Underlying matter:  
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17 ROCHE DIAGNOSTICS GMBH, ROCHE  
MOLECULAR SYSTEMS, INC.,

18 Plaintiffs,

19 vs.

20 ENZO BIOCHEM, INC., and ENZO  
21 DIAGNOSTICS, INC.,

22 Defendants.  
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) Miscellaneous Action No. 3:15-mc-80109-LB  
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) [Action pending in the United States District  
) Court for the Southern District of New York  
) Case No. 04 Civ. 4046 (RJS)]

) **NOTICE OF MOTION TO WITHDRAW**  
) **GENENTECH, INC.'S MOTION TO**  
) **QUASH SUBPOENA** : ORDER

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE THAT Genentech Inc. (“Genentech”) moves to withdraw its Motion to Quash Subpoena. Counsel for Genentech respectfully notifies the Court that it was able to come to an agreement with counsel for Enzo Biochem, Inc. and Enzo Life Sciences, Inc. (collectively, “Enzo”) regarding both the requested deposition and document subpoena. As such the issues raised in the Motion to Quash Subpoena are now moot, and the discovery procedures specified in the Court’s order of April 9, 2015 (Dkt. No. 4) are no longer required.

For the foregoing reasons, Genentech withdraws its motion and respectfully requests that this Court dismiss this miscellaneous action *without prejudice*.

Dated: April 22, 2015

Respectfully submitted,

SIDLEY AUSTIN LLP

By: /s/ M. Patricia Thayer

M. Patricia Thayer

Geoffrey R. Beatty

Attorneys for Movant  
Genentech, Inc.

The Court grants Genetech's request to dismiss this miscellaneous action without prejudice. See Fed.R.Civ.P. 41(a)(2). The Clerk of the Court shall close the file.  
Dated: April 24, 2015

